IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.46378 of 2008
1. SAHJANAND SINGH
2. Amrendra Kumar
3. Gautam Kumar
Versus
STATE OF BIHAR
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2. 19.12.2008 Heard Mr. Ramakant Sharma, learned counsel for the petitioner, Mr. Farooq Ahmad Khan, learned counsel for the informant and Mr. Dashrath Mehta, learned A.P.P.

The case was initially registered under section 307 of the Indian Penal Code and on account of death of Nagendra Singh, who was the informant, section 302 of the Indian Penal Code was added. It is alleged that on account of being infuriated by the success of the informant party in getting and setting up in the malfeasance indulged into by the daughter-in-law of petitioner no.1(Sahjanand Singh) in running the Poshahar Scheme, the accused persons assembled unlawfully and started beating up the informant and others. During that course three accused, namely, Raj Kumar, Matlu Singh @ Shailesh Singh and Dhiru Singh assaulted the deaceased Nagendra Singh with lathi and danda causing injury to him. Other accused persons fled away and the villagers started chasing the accused persons and caught Amrendra Kumar and Gautam Kumar.

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The contention is that in the further statement, the deceased alleged that accused Arvind Singh and Sahjanand Singh had also assaulted the deceased along with the three named accused in the F.I.R. The son of the deceased also gave fardbeyan and in that he alleged that accused Nawal Singh and Arvind Singh both had assaulted the deceased on his head with iron rod and khanti respectively. The contention is that while in the F.I.R. the three petitioners bore the similar allegation, petitioner no.1

Sahjanand Singh was also made one of the assailants of the deceased by the informant in his further statement. The contention is that differences had occurred in the relationship between the parties as indicated in the statement of the F.I.R. itself and, as such, the possibility of false implication may not be ruled out.

Learned counsel for the informant has submitted that the petitioners bear criminal antecedent and petitioner nos.2 & 3 Amrendra Kumar and Gautam Kumar were the residents of outside the district of Gaya and they were apprehended by the people of the village and handed over to the police along with illegal arms. It was further contended that a case is pending against the petitioners and they appear making a false statement that they bear a clean antecedent.

Regard being had to the fact that the petitioners were assigned as role of reference of the deceased in the F.I.R. and whatever was alleged against Sahjanand Singh, i.e., a belated statement of more than 12 hours, let three petitioners above named be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the C.J.M., Gaya, in connection with Wazirganj P.S. case no.193 of 2008.

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(Dharnidhar Jha,J)

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